

# Exhibit A

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**David Klausner**

**David Klausner (david@klausner.com)**

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**SUMMARY OF SKILLS**

Over 35 years of software development, consulting, management, and expert testimony experience in all aspects of the computer field, from micros to mainframes, and in all areas of programming. Experienced as an engineer, software developer, supervisor, project manager, department manager, middle manager, and company executive. Forensic investigation, including reverse-engineering.

**Operating Systems Experience**

MS-Windows 2000 / NT / ME / 98 / 95 / 1.x-3.x, MS/DOS, PC/DOS, UNIX, Solaris, MVS, VM, TSO, RTE, JES2, DOS/VSE, WYLBUR, XT/370, RTOS, VMS, and system generations (SYSGENs).

**Hardware**

PCs/Mainframes and compatibles. Peripherals. Workstations (IBM, Apollo, HP, Sun), RS-6000, HP 1000, HP 2100, HP 150, DEC PDP, IBM 8100, IBM S/23, more.

**Software Applications, Packages and Libraries**

Web applications, Client Server, Three-tier, EDI, Network applications, FoxBase, Clipper, 4-GL, X- Windows X11R4 and 3, MOTIF, IMAGE, FrameMaker, PARADOX, DBASE (all), Q&A, LOTUS-123, MS-Office, Quattro, SAS, VSAM, ISPF, KEDIT, XEDIT, VTAM, Revelation, Knowledgeman, WordStar, and more.

**Software Development**

Large and small applications for businesses, data management, database design, client/server, compilers, parsers, and programming languages, user interfaces, quality assurance, real-time applications, artificial intelligence, utility programs, diagnostics, machine simulators, performance analyzers, EDI applications, general ledger, inventory control, software auditing, manufacturing process, insurance, financial, and statistical process control.

**Languages**

HTML, C, C++, Java, Visual Basic, SQL, XML, Assembler, COBOL, FORTRAN, BASIC, PL/I, PLS, REXX, EXEC2, JCL, Prolog.

**EDUCATION:**

M.S.E.E. Polytechnic Institute of Brooklyn, N.Y., 1974  
B.A. Mathematics Brooklyn College, N.Y. 1968

David Klausner

**CONSULTING/EMPLOYMENT HISTORY:**

**Independent Computer Expert and Consultant, Expert Witness**  
04/92 - present

Mediator in cases involving:

- software valuation.
- theft of computer intellectual property.

Forensics

- expert for law enforcement agencies in various matters.
- reverse-engineering software.

Consulting expert for defendants in cases involving:

- patent infringement and validity.
- software valuation.
- theft of computer code for property sales and management.
- data base and data processing negligence.
- breach of contract involving software for printing services.
- breach of contract involving software for automobile parts warehouses and stores.

Consulting expert for plaintiffs in cases involving:

- patent infringement and validity.
- theft of trade secrets of network file systems.
- theft of trade secrets of warehouse management systems.
- breach of contract and failure to perform involving software for medical laboratories.
- breach of contract and failure to perform involving semiconductor design software.
- trustees in bankruptcy of manufacturer of OCR software.
- theft of trade secrets and copyright infringement of communications hardware.
- breach of warranty for systems delivered for interior design.
- software piracy of video games.

-State of California's release of public information under Freedom of Information laws.

**Sourcefile, San Jose, CA**

03/94 - 05/01 -- Consulting Technical Verification Expert

Perform Technical Verifications and Assessments of software and systems.

**INTEL Corp., Santa Clara, CA**

08/91 - 07/92 -- Consultant

dBase 4-GL produced windowed order/inventory tracking system. User-oriented windowing and function selections. PC/Mainframe client/server environment extracted/reported large database information.

**Variety of Consults**

01/91 - 07/91 -- Consultant

X-Windows/Motif training, windowing system for RMA processing on PCs; systems administration on Sun/HP/Harris networks, VTAM documentation verification for correctness.

**TERRA-MAR, Mountain View, CA**

04/90 - 01/91 -- Consultant

Project managed/developed port of Client/Server image processing systems in X-Windows in C/Fortran on Sun X11/R4 with Motif, HP900s, IBM RS-6000s, and PCs. Software processed satellite raster data to produce images for oil and mineral exploration, defense, land and water management, forestry, etc. High density pixel images compression and transformation.

David Klausner

FRAME TECHNOLOGY, Milpitas, CA

01/90 - 03/90 -- Consultant

Tested latest X-windows versions of the FrameMaker document production system on various platforms and X-terminals. Suggested user interface changes for usability and readability for various X-Windows environments (MWM, HPWM, TWM, UWM).

AMDAHL CORPORATION, Sunnyvale, CA

06/89 - 11/89 Diagnostics/Macrocode Test

Developed, modified/created tools and tests for the Macrocode of Amdahl mainframes. Results validated test coverage of Macrocode through monitoring and mapping of Macrocode execution. Scheduling and tracking tests and diagnostics. Sparse matrix compression.

02/87 - 06/89 Diagnostic Development

Responsible for development of over 40 tests, tools, and diagnostics under Amdahl UNIX (UTS) and other operating systems. These included emulators, system-to-system communication links, simulators, system-level diagnostics, etc.

HEWLETT-PACKARD, Cupertino, CA

07/86 - 02/87 -- Consultant

Planned and implemented tests of a new version of the HP-1000 Operating System, RTE-A. Wrote many tests in Assembler and Fortran to confirm proper system function and results.

HARRISON and EAKIN, Inc., San Mateo, CA

07/86 - 09/86 -- Consultant

Expert witness for analysis of the BIOSs of PC/286-type machines.

LOBOB LABORATORIES, San Jose, CA

05/85 - 09/85 -- Consultant

Modified IBM's general Ledger/accounting software in BASIC on the System/23.

PLUS DEVELOPMENT CORPORATION, Milpitas, CA

08/84 - 07/86 -- Diagnostics, Software Development and Manufacturing Test

Produced hard disk drive product -- HardCard. Established requirements and project-managed diagnostics, test equipment hardware and software development for use in-house and on manufacturing line at Matsushita in Japan. Software to interface to, and track, the manufacturing process. RLL technology. Responsible for compatibility testing company products on a wide variety of PCs and compatibles. Worked with European distributors as Technical Representative for marketing and technical issues. Familiar with Japanese, several European languages and marketplaces.

Resume

David Klausner

**DIALOGIC SYSTEMS CORPORATION, Sunnyvale, CA**

12/83 - 07/84 -- Applications Development

Responsible for user-interface layer software development on high (40Mhz) speed network with lossless compression.. Completed 11 projects (e.g., editors/interfaces to IBM mainframe CPUs.) Determined market requirements. Presented and demonstrated product to customers.

04/83 - 12/83 -- Product Assurance and Test

Developed and implemented test strategies, methodologies, plans and procedures. Prepared tests and scenarios. Tested hardware and software products shipped to customers.

09/82 - 04/83 -- Diagnostics

Responsible for development of on-line diagnostic systems for 680X0-based multiprocessing computer systems. Wrote tests in 680X0 and in C.

**IBM CORPORATION, Palo Alto/San Jose, CA**

09/74 - 11/82 -- Language Products

Responsible for development and testing of state-of-the-art PL/I compilers including 5 major products. IBM representation for products areas at trade shows and customer user group conventions. Managed outsourced software development. Determined product requirements and approved forecasts for worldwide revenues/costs. Designed and developed a front end for the PL/I Checkout Compiler. Designed portion of optimization phases of the PL/I Optimizing compiler.

Managed development for the IBM BASIC Compiler. Managed outsourced development. Wrote test cases and verified product function.

Developed DOS COBOL Release 3 Compiler for IBM mainframes. Designed and developed parts of OS/VS COBOL Release 2 and symbol table generation with lossless compression. Project managed and tested the 8100 COBOL compiler.

Created Inter-Language Communication linking together IBM programming languages.

**UNIVERSITY APPLICATIONS PROCESSING CENTER, Brooklyn, NY**

06/67 - 09/74 -- Systems and Applications Programmer

Developed/maintained systems/programs, including real-time database inquiry applications with Artificial Intelligence front-ends. Modified JES2, MVS and TSO, and WYLBUR/MILTON for internal use. Wrote VM/CMS utility programs and a System/370 mainframe program debugger/simulator.

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CONSULTING EXPERIENCE of David Klausner

1. 2005 - Designated as consultant for Plantagenet Group. Consult ongoing. I performed Patent analysis for processor and hardware apparatuses and methods.
2. 2005 - Designated as testimonial expert for defendant in Orion v. Ford Motor Company for Fish & Neave in New York, NY, in a patent infringement case. Matter ongoing. I performed Patent analysis for infringement and validity of a method.
3. 2005 - Designated as testimonial expert for plaintiff in Morrow v. Microsoft for Nixon Peabody in San Francisco, CA, in a patent infringement case. Matter ongoing. I performed Patent analysis for infringement and validity of a method.
4. 2005 - Designated as testimonial expert for plaintiff in Uniloc v. Microsoft for Mintz, Levin, Cohn, et. al., in Boston, MA, in a patent infringement case. Matter ongoing. I performed Patent analysis for infringement and validity of a system and method for machine locking / anti-piracy software.
5. 2004 - Designated as testimonial expert for plaintiff/defendant in Ginter v. Benson for Finnegan Henderson in Palo Alto, CA, in a patent interference case. Testified at deposition. Matter ongoing. I performed Patent analysis for infringement of anti-virus software.
6. 2004 - Designated as testimonial expert for defendant in KCM v. Bank of America for Ruby & Schofield in San Jose, CA, in a theft of trade secrets case. Testified at deposition. Matter ongoing. I performed software analysis for wireless communications.
7. 2004 - Designated as testimonial expert for plaintiff in Symantec v. Computer Associates for McDonnell Boehnen in Chicago, IL, in a patent infringement case. Testified at deposition. Matter ongoing. I investigated reduction to practice of a software system for managing data objects.
8. 2004 - Designated as testimonial expert for plaintiff in Pixion v. Placeware for Carr & Ferrell in Palo Alto, CA, in a theft of trade secrets case. Testified at deposition and at jury trial. Defendant prevailed. I investigated video conferencing software.
9. 2004 - Designated as testimonial expert for defendant in CCI v. Wrenhead for Mintz, Levin, Cohn, et. al., in Boston, MA, in a copyright

infringement case. Matter ongoing. I investigated database and parts management software.

- 10.2004 - Designated as forensic expert for defense in Excel Innovations v. Indivos for Bingham McCutchen in San Francisco, CA, in a theft of trade secrets case. Matter ongoing. I performed forensic discovery on media.
- 11.2004 - Designated as testimonial expert for plaintiff in H&R Block v. Inisoft for Young Conaway in Wilmington, DE, in a breach of contract case. Matter ongoing. I performed analysis of web-based data entry software.
- 12.2004 - Designated as testimonial expert for defendant in Storage Technology Corporation v. Custom Hardware Engineering for Thompson Coburn in St. Louis, MO, in a copyright and patent infringement case. Testified at deposition and at preliminary injunction hearing. Matter ongoing. I performed analysis of tape silo software.
- 13.2004 - Designated as testimonial expert for plaintiff in ZF Micro Solutions v. National Semiconductor Corporation, for Trepel Law in San Jose, CA, in a theft of trade secrets case. Santa Clara County Superior Court, Case No. CV807339. Testified at deposition and at jury trial. Plaintiff prevailed. I investigated firmware on a chip.
- 14.2003 - Designated as testimonial expert for plaintiff in Sybron v. Align for Michael, Best & Friedrich in Milwaukee, WI, in a patent case. Matter on appeal. I performed Patent analysis for infringement and validity of orthodonture appliance software.
- 15.2003 - Designated as forensic expert for plaintiff in Starwood v. Intelnet for Skadden Arps in Palo Alto, CA, in a forensic case. Defendant prevailed. I performed forensic discovery on media.
- 16.2003 - Designated as testimonial expert for plaintiff in Q-Clubs v. 24-Hour Fitness for Kirkland & Ellis in Chicago, IL, in a breach of contract case. Matter settled. I investigated programming development.
- 17.2003 - Designated as testimonial expert for defense in Mediatek v. Via for Fenwick & West in Palo Alto, CA, in a theft of trade secrets case. Matter settled. I investigated firmware.
- 18.2003 - Designated as testimonial expert for plaintiff in National Automotive Integrity v. International Data Inc., for Hale and Wagner in Milwaukee, WI, in a theft of trade secrets case. Testified at deposition. Matter ongoing. I investigated programming development.

- 19.2003 - Designated as testimonial expert for plaintiff in Misha Consulting Group v. Source Medical Systems for Howard Rice Nemerovski in San Francisco, CA, in a breach of contract case. Matter settled. I investigated programming development.
- 20.2003 - Designated as testimonial expert for defense in Folium v. IBM for Quinn Emanuel Urquhart in Los Angeles, CA, in a copyright case. Matter ongoing. I investigated mainframe source code.
- 21.2003 - Designated as consulting expert for defense in SC Data v. Hewlett Packard (HP), for Axley Brynelson, in Madison, WI, in a breach of contract case. Matter settled. I investigated a tape silo and computer center conditions.
- 22.2003 - Designated as testimonial expert for plaintiff in Mangosoft v. Oracle, for Mintz, Levin, Cohn, et. al., in Boston, MA, in a patent case. Matter ongoing. I performed Patent analysis for infringement and validity of distributed shared memory.
- 23.2003 - Designated as testimonial expert for plaintiff in DuFresne v. Microsoft, for Mintz, Levin, Cohn, et. al., in Boston, MA, in a patent case. Matter ongoing. I performed Patent analysis for infringement and validity internet application deployment.
- 24.2003 - Designated as testimonial expert for plaintiff in Black Diamond v. eCoupons, for Pillsbury Madison, et. al., in Alexandria, VA, in a patent case. Matter ongoing. I performed Patent analysis for infringement and validity of coupon management software.
- 25.2003 - Designated as testimonial expert for plaintiff in Aprisma v. Micromuse, for Mintz, Levin, Cohn, et. al., in Boston, MA, in a patent case. Matter ongoing. I performed Patent analysis for infringement and validity of network management software.
- 26.2003 - Designated as technical special master in Vanguard v. Tone, for JAMS, in Los Angeles, CA, in a copyright infringement and trade secret case. Matter settled. I investigated source code for derivation.
- 27.2003 - Designated as consulting expert for defense in AMAT v. TOSOH-SET, for Holland & Knight, in Los Angeles, CA, in a copyright infringement case. Matter settled. I investigated documents on a hard drive system.
- 28.2003 - Designated as consulting expert for plaintiff in Gallo v. Artista and HKSystems, for Les Holt, in Pleasanton, CA, in a breach of contract case. Matter settled. I investigated software development.

- 29.2003 - Designated as consulting expert for defense in Safeway v. Consonus, for Richards, Brandt, Miller & Nelson, in Salt Lake City, UT, in a product liability case. Matter ended. I investigated damage to a storage system.
- 30.2003 - Designated as consulting expert for plaintiff in BCBS of Louisiana v. J. D. Edwards, for Jones, Walker, in New Orleans, LA, in a breach of contract case. Matter settled. I investigated software development.
- 31.2003 - Designated as consulting expert for defense in CCI v. Carparts Technologies, for Fulbright & Jaworski, in Austin, TX, in a copyright infringement case. Matter settled. I investigated source code for derivation.
- 32.2002 - Designated as testimonial expert for plaintiff in Nortel v. Foundry, for Mintz, Levin, Cohn, et. Al., in Boston, MA, in a patent case. Testified at deposition and at jury trial. Matter settled in trial. I investigated a network switch/router.
- 33.2002 - Designated as testimonial expert for plaintiff in Arendi v. Microsoft, for Mintz, Levin, Cohn, et. al., in Boston, MA, in a patent case. Testified at deposition and at jury trial. Matter on appeal. I investigated a programming system and method.
- 34.2002 - Designated as consulting expert for defense in WRC v. Flo2D, for Thomdal, Armstrong, Delk, in Reno, NV, in a product defect case. Matter on hold. I investigated operations of flood plain modeling software.
- 35.2002 - Designated as consulting expert for defense in ERS v. Thermo, for Alston, Hunt, in Honolulu, HI, in a breach of contract case. Matter settled. I investigated development and operations of a retirement and accounting system.
- 36.2002 - Designated as testimonial expert for plaintiff in Incat v. Adaptec, for Hoge, Fenton, Jones & Appel in San Jose, CA, in a breach of contract case. Matter settled during trial. I investigated source code for derivation.
- 37.2002 - Designated as consulting expert for plaintiff in Cisco v. Huawei, for Orrick Herrington in Menlo Park, CA, in a copyright infringement case. Matter settled. I investigated network routers code.
- 38.2002 - Designated as consulting expert for defendant in TouchTunes v. eCast, for Perkins Coie in San Francisco, CA, in a patent case. Matter ended. I investigated claims and prior art for a digital jukebox.

- 39.2002 – Designated as consulting expert for plaintiff in X v. Y, for Orrick Herrington in Menlo Park, CA, in a computer forensic case. Matter ended.
- 40.2002 - Designated as consulting expert for plaintiff in NAACP v. Harris, et. al., for People For the American Way in Washington, DC, in a civil rights case. Matter settled. I investigated database practices and maintenance using Microsoft Sql Server.
- 41.2002 - Designated as testimonial expert for plaintiff in Lewis v. Nunez for McCutchen, Doyle in San Francisco, CA, in a forensic case. Testified at deposition. Court ruled for plaintiff. I performed hard drive forensic analysis on IDE drives. Plaintiff prevailed.
- 42.2002 – Designated as consulting expert for plaintiff in Couche v. Coons, for Popelka & Allard in San Jose, CA, in a computer forensic case. Testified at deposition and at jury trial where plaintiff prevailed.
- 43.2002 - Designated as testimonial expert for plaintiff in Keen v. InfoRocket for Fish & Neave in Palo Alto, CA, in a patent case. Testified at deposition. Matter ended. I performed analysis of Web site capability/construction and browser interface using IP telephony.
- 44.2002 - Designated as consulting expert for defense in Idriss v. City of San Francisco for San Francisco City Attorney's Office in San Francisco, CA, in a criminal case. Matter ended. I performed floppy diskette forensic analysis.
- 45.2002 - Designated as testimonial expert for plaintiff in Harnischfeger v. DCS for Michael, Best in Milwaukee, WI, in a copyright infringement case. Matter settled. I performed Ladder-programmed microcontroller and embedded system analysis for large earth-moving super-shovels.
- 46.2001 - Designated as testimonial expert for plaintiff in PromoOrder v. NetQuotient for Gray, Cary in Austin, TX, in a breach of contract case. Matter ended. I performed Web-based Server program analysis for customer order-entry.
- 47.2001 - Designated as consulting expert for defense in Kasem v. Mitchell / Manhattan Software for Krane & Smith in Encino, CA, in a theft of trade secret case. Matter settled. I advised on forensic analysis for a Solaris system.
- 48.2001 - Designated as consulting expert for plaintiff in MHAE v. Durden for McCutchen, Doyle in San Francisco, CA, in a forensic case. Matter ended. I performed hard drive forensic analysis on IDE drives.

49. 2001 - Designated as consulting expert for plaintiff in X v. Y, for Farella Braun & Martel in San Francisco, CA, in a patent case. Matter ended. I investigated computer operations.
50. 2001 - Designated as consulting expert for plaintiff in Dobson v. ARCO for Jolles Bernstein in Portland, OR, in a fraud case. Matter ended. I advised on database and point-of-sale programs for gas stations.
51. 2001 - Designated as testimonial expert for plaintiff in Baer v. City of Montclair for Barnes, Crosby, Fitzgerald in Irvine, CA, in a wrongful termination case. Matter ended. I performed data analysis of documents.
52. 2001 - Designated as testimonial expert for defense in S1 v. Corillian for Perkins Coie in Seattle, WA, in a patent infringement case. Matter settled before trial. I performed Patent analysis for validity involving bank ATM terminals.
53. 2001 - Designated as testimonial expert for defense in Huerta v. Hartford Insurance for Berger, Kahn, Shafton in Novato, CA, in a breach of contract case. Settled before trial. I performed PC marketing, cost, and capability analysis.
54. 2001 - Designated as testimonial expert for plaintiff in ACTV v. Walt Disney, et. al., for Baker Botts in New York, NY, in a patent infringement case. Matter ended. I performed Patent analysis for validity for broadcasting digital information.
55. 2001 - Designated as testimonial expert for plaintiff in Bancorp v. Hartford Insurance for Quinn Emanuel Urquhart in Palo Alto, CA, in a patent infringement case. Matter dismissed. I performed Patent analysis for infringement for Bank-Owned Life Insurance and Corporate-Owned Life Insurance systems.